

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

Civ. No. 07-1850 (RHK/RLE)
ORDER

v.

Robert F. Henderson, *et al.*,

Defendants.

This matter is before the Court *sua sponte*. On January 8, 2008, the Government filed a Motion for Summary Judgment in this matter (Doc. No. 44), which is scheduled to be heard by the Court on February 29, 2008. On February 11, 2008, however, the Government filed a document styled as “Notice of Withdrawal of Motion for Summary Judgment” (Doc. No. 65). Although the Motion is not mentioned in the body of the Notice, the title suggests that the Government intended to withdraw its summary-judgment Motion.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that (1) the Government’s Motion for Summary Judgment (Doc. No. 44) is deemed **WITHDRAWN** and (2) the hearing on the Motion currently scheduled for February 29, 2008, is **CANCELED**.

Dated: February 13, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge